

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 5:10-CR-59-1H

UNITED STATES OF AMERICA :
 :
 v. :
 :
 JEFFREY TORIAN PHELPS :

ORDER OF FORFEITURE

WHEREAS, pursuant to the entry of a Memorandum of Plea Agreement entered into by the defendant on July 12, 2010, the following property is hereby forfeitable pursuant to 18 U.S.C. § 2253(o) :

Personal Property

Western Digital Hard Drive, S/N WMAM92925627
Western Digital Hard Drive, SN WMANK2806104
HP Pavilion Computer Tower SN CNX62002LP
SanDisk 256MB Flash Card
Dane Elec 2 GB Flash Drive
Olympus 16MB Flash Card; and

WHEREAS, by virtue of said Memorandum of Plea Agreement, the United States is now entitled to possession of said personal property, pursuant to 21 U.S.C. § 853(g) ;

WHEREAS, in accordance with Supplemental Rule G(4)(i)(A), the Government is not required to publish notice, as the property forfeited is worth less than \$1,000. In this matter, the defendant's interest having already been forfeited and no other potential claimants being known, no direct notice need be provided;

AND WHEREAS, it appears from the record that no claims, contested or otherwise, have been filed for any of the property forfeited in this action.

It is hereby ORDERED, ADJUDGED and DECREED:

1. That based upon the Memorandum of Plea Agreement as to the defendant JEFFREY TORIAN PHELPS and other evidence of record, the United States is hereby authorized to seize the above-stated personal property, and it is hereby forfeited to the United States for disposition in accordance with the law, including destruction, subject to the provisions of 21 U.S.C. § 853(n), as allowed by Fed. R. Crim. P. 32.2(b)(3). In accordance with Fed. R. Crim. P. 32.2(b)(3), this Order is now final as to the defendant.

2. That upon sentencing and issuance of the Judgment and Commitment Order, the Clerk of Court is directed to incorporate a reference to this Order of Forfeiture in the applicable section of the Judgment, as required by Fed. R. Crim. P. 32.2(b)(3).

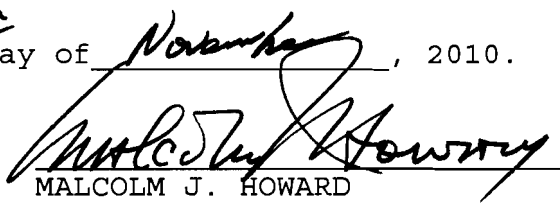
3. That in accordance with Supplemental Rule G(4)(i)(A), the Government need neither publish notice nor provide direct notice, as the property is worth less than \$1,000 and no other owners or interested parties have been identified.

4. That it appears from the record that no claims, contested or otherwise, have been filed for the property described in Defendant Phelps's July 12, 2010 Plea Agreement.

5. That any and all forfeited funds shall be deposited by the United States Department of Justice or the United States Department of the Treasury as soon as located or recovered into the Department of Justice's Assets Forfeiture Fund or the Department of the Treasury's Assets Forfeiture Fund in accordance with 28 U.S.C. § 524(c) and 21 U.S.C. § 881(e).

The Clerk is hereby directed to send copies of this Order to all counsel of record.

SO ORDERED. This 4th day of November, 2010.


MALCOLM J. HOWARD
Senior United States District Judge

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